

Brooke A. M. Taylor, WSBA 33190 (Admitted *Pro Hac Vice*)
 btaylor@susmangodfrey.com
 Jordan W. Connors, WSBA 41649 (Admitted *Pro Hac Vice*)
 jconnors@susmangodfrey.com
 SUSMAN GODFREY L.L.P.
 1201 Third Avenue, Suite 3800
 Seattle, Washington 98101-3000
 Telephone: (206) 516-3880
 Facsimile: (206) 516-3883

Stephen E. Morrissey, CA Bar 187865
 smorrissey@susmangodfrey.com
 SUSMAN GODFREY L.L.P.
 1901 Avenue of the Stars, Suite 950
 Los Angeles, CA 90067-6029
 Telephone: (310) 789-3103
 Facsimile: (310) 789-3150

Plaintiff Vasudevan Software, Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

VASUDEVAN SOFTWARE, INC.,

Plaintiff,

vs.

MICROSTRATEGY SOFTWARE INC.,

Defendant.

Case No. 3:11-06637-RS-PSG

JOINT STIPULATION OF
 NON-INFRINGEMENT

Hon. Richard Seeborg

WHEREAS, Plaintiff Vasudevan Software, Inc. (“VSi”) has accused Defendant MicroStrategy Software Inc. (“MicroStrategy”) of infringing U.S. Patent Nos. 6,877,006 (“the ‘006 Patent”); 7,167,864 (“the ‘864 Patent”); 7,720,861 (“the ‘861 Patent”); and 8,082,268 (“the ‘268 Patent”);

WHEREAS MicroStrategy has denied infringement of the ‘006 Patent, the ‘864 Patent, the ‘861 Patent, and the ‘268 Patent;

1 WHEREAS the term “disparate [] databases” appears in each asserted claim of the ‘006
2 Patent, the ‘864 Patent, and the ‘861 Patent and the term “incompatible databases of different
3 types” appears in each asserted claim of the ‘268 Patent;

4 WHEREAS on September 19, 2012, the Court issued its Claim Construction Order (Dkt.
5 No. 97) construing the term “disparate [] databases” to mean “databases having an absence of
6 compatible keys or record identifier columns of similar value or format in the schemas or
7 structures that would otherwise enable linking data”;

8 WHEREAS on September 19, 2013, the Court issued its Claim Construction Clarification
9 Order (Dkt. No. 326) holding that “the construction of “Disparate [] databases” as “databases
10 having an absence of compatible keys or record identifier columns of similar value or format in
11 the schemas or structures that would otherwise enable linking data” is clarified to read “databases
12 having an absence of compatible keys and an absence of record identifier columns of similar
13 value and an absence of record identifier columns of similar format in the schemas or structures
14 that would otherwise enable linking data;”

15 WHEREAS the Court’s Claim Construction Clarification Order further held that VSi is
16 estopped from arguing that “incompatible databases of different types” means something different
17 than the Court’s construction of “disparate [] databases;”

18 WHEREAS Civil L.R. 54-1(a) requires that Bill of Costs be served and filed no later than
19 14 days after entry of judgment;

20 WHEREAS Civil L.R. 54-5 requires that a Motion for Fees be served and filed no later
21 than 14 days after entry of judgment;

22 WHEREAS VSi has stated that it intends to appeal the Court’s forthcoming entry of a
23 judgment of non-infringement based on this stipulation;

24 WHEREAS MicroStrategy has requested, and VSi has agreed, that in order to promote
25 judicial efficiency and to conserve litigation costs, the deadlines for the Bill of Costs and Motion
26 for Fees (including Motions for Fees pursuant to 35 U.S.C. § 285) be delayed until 14 days after
27 the Federal Circuit’s issuance of the mandate regarding VSi’s appeal of the Court’s final
28 judgment; and

1 WHEREAS, the extension requested would not change any other date set by the Court.

2 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED amongst VSi and
 3 MicroStrategy that, based on the Court's constructions of "disparate [] databases" and the Court's
 4 ruling that VSi is estopped from arguing that "incompatible databases of different types" means
 5 something different than the Court's construction of "disparate [] databases, MicroStrategy's
 6 accused products and services do not infringe the asserted claims of the '006 Patent, the '864
 7 Patent, the '861 Patent and the '268 Patent.

8 IT IS FURTHER STIPULATED AND AGREED amongst VSi and MicroStrategy that,
 9 the deadline for a Bill of Costs or a Motion for Fees (including any Motion for Fees pursuant to
 10 35 U.S.C. § 285) be delayed until 14 days after the Federal Circuit's issuance of the mandate
 11 regarding VSi's appeal of this Court's final judgment.

12 Dated: October 16, 2013

14 By: Eric J. Enger
 15 Brooke A. M. Taylor
 16 Lead Attorney
 17 WA Bar No. 33190 (Admitted *Pro Hac Vice*)
 18 btaylor@susmangodfrey.com
 19 Jordan W. Connors
 20 WA Bar No. 41649 (Admitted *Pro Hac Vice*)
 21 jconnors@susmangodfrey.com
 22 SUSMAN GODFREY L.L.P.
 23 1201 Third Avenue, Suite 3800
 24 Seattle, Washington 98101-3000
 25 T: (206) 516-3880
 26 F: (206) 516-3883 (fax)

22 Stephen E. Morrissey
 23 CA Bar No. 187865
 24 smorrissey@susmangodfrey.com
 25 SUSMAN GODFREY L.L.P.
 26 1901 Avenue of the Stars, Suite 950
 27 Los Angeles, CA 90067-6029
 28 T: (310) 789-3103
 F: (310) 789-3150 (fax)

Michael F. Heim
 TX Bar No. 09380923 (Admitted *Pro Hac Vice*)
 mheim@hpcllp.com
 Leslie V. Payne

TX Bar No. 00784736 (Admitted *Pro Hac Vice*)
lpayne@hpcllp.com
Eric J. Enger
TX Bar No. 24045833 (Admitted *Pro Hac Vice*)
eenger@hpcllp.com
Nick P. Patel
TX Bar No. 24076610 (Admitted *Pro Hac Vice*)
npatel@hpcllp.com
HEIM, PAYNE & CHORUSH, LLP
600 Travis Street, Suite 6710
Houston, Texas 77002-2912
T: (713) 221-2000
F: (713) 221-2021(fax)

ATTORNEYS FOR PLAINTIFF

Dated: October 16, 2013

By: Howard Y. Chen (by permission EJE)
Sean S. Pak (Bar No. 219032)
seanpak@quinnemanuel.com
Jennifer A. Kash (Bar No. 203679)
jenniferkash@quinnemanuel.com
Kevin A. Smith (Bar No. 250814)
kevinsmith@quinnemanuel.com
Howard Y. Chen (Bar No. 265015)
howardchen@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN,
LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 16st day of October, 2013, a true and correct copy of the foregoing document was served on all parties via CM/ECF and/or email to counsel.

/s/ Eric Enger

Eric Enger

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3 DATED: 10/21/13


[Hon. Richard Seeborg]
United States District Court Judge